

**AFFIDAVIT**

I, James Armstead, being duly sworn, state under oath that:

1. I am a Detective with the Kansas City, Missouri Police Department (KCMOPD) and have been employed by KCMOPD for 17 years. I have been assigned to the KCMOPD Street Crimes Unit for approximately 11 years, conducting narcotics, firearm and gang investigations.

2. During my tenure with the Street Crimes Division, I have been involved in numerous investigations of various individuals in the importation and distribution of controlled substances, firearm and gang investigations. I have communicated extensively with other state and federal law enforcement personnel who specialize in drug investigations. I have also had extensive experience in debriefing defendants, participating witnesses, informants, and other persons whom have had personal experience and knowledge of the importation and distribution of controlled substances, Firearms and Gang investigations.

3. On May 28, 2018 at 12:14 a.m., KCMOPD Police Officer Hall was on patrol in the area of 68th Street and Indiana Avenue, Kansas City, Jackson County, Missouri, when he observed a silver Pontiac fail to stop for the westbound stop sign at 68th Street and Indiana Avenue. Officer Hall activated his emergency lights and siren to conduct a traffic violation.

4. The Pontiac abruptly pulled into the driveway of 6725 Indiana Avenue, Kansas City, Jackson County, Missouri. As Officer Hall pulled behind the Pontiac, the driver, later identified as Danny R. Handley, exited the driver seat of the Pontiac and looked back. Officer Hall gave verbal commands for Handley to stop. Handley began running eastbound between the houses at 6725 Indiana Avenue and 6731 Indiana Avenue. Officer Hall pursued Handley and lost sight of him behind the residence at 6731 Indiana Avenue. KCMOPD Sergeant (Sgt.) Anderson and Officers Green, Hall and DeMartino responded to assist. Officer Hall observed Handley hiding under a bush behind the residence. Officer Hall verbal commanded Handley to get up. Handley then jumped up and began running westbound to the front of 6731 Indiana Avenue. Handley was taken into custody on the front porch of 6731 Indiana Avenue by Sgt. Anderson as Handley attempted to force the front door open.

5. Officer Hall responded to Handley's vehicle and observed the following items in plain view: a pill bottle containing two unknown pills in the center console near the gearshift; a black firearm on the middle of the rear passenger seat; a baggie containing a green leafy substance believed to be marijuana (later determined to weigh approximately 41.4 grams) next to the handgun on the rear passenger seat; an open plastic baggie containing a green leafy substance that appeared to be marijuana (later determined to weigh approximately 110.5 grams) on the rear floorboard directly behind the passenger seat; and a black handgun magazine, a black digital scale, numerous sandwich baggies, and a bottle labeled "Codeine Phosphate" prescribed to "Robert Morrow" in a brown box next to the handgun on the rear passenger seat near the door.

6. Officer Hall searched the Pontiac and recovered the items observed. The firearm was identified as a Bohmische Waffenfabrik, Model CZ 75 P-07 FNH, 9mm pistol, with Serial Number A855260, that was loaded with fourteen live rounds in the magazine and one live round in the chamber. The live rounds were 9mm hollow point rounds bearing the head stamp "FC." The brown box containing the black handgun magazine, black digital scale, numerous sandwich baggies, and bottle labeled "Codeine Phosphate" had a mailing label to "Danny Handley" in Raytown, Missouri.

7. Officer Hall located additional items in the Pontiac. Inside the center console, Officer Hall located Handley's paper driver's license and an additional baggie of green leafy substance believed to be marijuana that was later determined to weigh approximately 66.3 grams. In the rear pocket of the passenger seat, Officer Hall located a baby bottle containing an unknown purple liquid suspected to be an illegal substance. The green leafy substances were later field-tested with a positive result indicating the presence of THC, the active ingredient in marijuana.

8. Officer Hall requested a computer check of the firearm's serial number. KCMOPD dispatch advised the firearm was reported stolen out of Independence, Missouri.

9. Officer Hall conducted a computer check of Handley and learned that he was shown to be under supervision through the Department of Corrections for forgery and distribution of a controlled substance. (According to Missouri CaseNet, a public court record system, Handley is on probation supervision for forgery, but he was discharged from his probation for distribution of a controlled substance on August 18, 2016).

10. Officer Hall also cited Handley for violations of Kansas City, Missouri municipal ordinances for failing to stop at a stop sign, no insurance, failing to display a driver's license, no seatbelt, failure to use turn signal and resisting arrest.

11. On May 28, 2018, at approximately 6:48 a.m., Detective Armstead checked Handley out of the Detention Unit and escorted him to an interview room in regard to the listed investigation. Prior to questioning, Handley was presented a Miranda Waiver Form. After Detective Armstead read the Miranda Waiver Form out loud to Handley, Handley stated he understood his rights and signed the form.

12. During the interview, Handley admitted to possessing the handgun and marijuana. Handley said he ran from the police because he knew he had a warrant. Handley said he did not take the handgun when he ran because he was just trying to get away. Handley stated that the firearm inside the Pontiac belonged to him and that he won the handgun in a dice game about a week prior. Handley stated he did not know what kind of handgun it was because the only kind of handguns he knows about are Glocks. Handley was escorted back to the Detention Unit at the conclusion of the interview.

13. Handley was convicted of the felony offense of forgery on June 9, 2016, in Clay County, Missouri Circuit Court, Case Number 15CY-CR03312-01. He received a six-year suspended execution of sentence with five years' probation supervision. According to Missouri CaseNet, Handley's probation term was extended one year with an expiration date of August 3, 2022.

14. Handley was convicted of the felony offense of possession with the intent to distribute a controlled substance (marijuana) on June 24, 2013, in Jackson County, Missouri Circuit Court, Case Number 1216-CR03538. He received a five-year suspended execution of sentence with three years' probation supervision. According to Missouri CaseNet, Handley was discharged from probation on August 18, 2016.

15. Special Agent Stephen Gravatt, who has been trained as an Interstate Nexus Expert for the Bureau of Alcohol, Tobacco, Firearms and Explosives, has stated that the Bohmische Waffenfabrik, Model CZ 75 P-07 FNH, 9mm pistol with Serial Number A855260 and the live 9mm ammunition with the headstamp "FC," have previously traveled in interstate or foreign commerce as they were not manufactured in the State of Missouri.

  

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JAMES ARMSTEAD  
Detective

Kansas City, Missouri Police Department

Subscribed and sworn to before me  
this 29th day of May, 2018.

  

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HONORABLE JOHN T. MAUGHMER  
United States Magistrate Judge  
Western District of Missouri